

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LARRY I. NEWKIRK, and RUTH A.  
NEWKIRK,

Plaintiffs,

v.

CONAGRA FOODS, INC., a Delaware  
Corporation, et al.,

Defendants.

No. CV-08-0273-FVS

ORDER

**THIS MATTER** having come before the Court based upon the parties' stipulated request for the dismissal, without prejudice, of Plaintiffs' Complaint as against Defendants Shopko Stores, Inc., Shopko Stores Operating Co., LLC, and Shopko Properties, LLC (Ct. Rec. 101); Now, therefore

**IT IS HEREBY ORDERED:**

1. Plaintiffs' Complaint as against Defendants Shopko Stores, Inc., Shopko Stores Operating Co., LLC, and Shopko Properties, LLC is **DISMISSED without prejudice.**

2. The parties shall bear their own costs and fees.

3. Defendants' April 20, 2009, Motion for Summary Judgment (Ct. Rec. 92) is **DENIED as moot.**

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this order and furnish copies to counsel.

**DATED** this 1st day of June, 2009.

s/ Fred Van Sickle  
Fred Van Sickle  
Senior United States District Judge